

Burke, James@Waterboards

From: Jesse Noell <noelljesse@gmail.com>
Sent: Wednesday, December 09, 2015 12:06 PM
To: Burke, James@Waterboards; St.John, Matt@Waterboards; Elk River; Mangelsdorf, Alydda@Waterboards
Subject: Re: Notice of start of Public Comment, Regional Water Board Draft Order No. Order No. R1-2016-0004, WDRs for Humboldt Redwood Company, LLC in the Elk River watershed
Attachments: DSCN0320.JPG

To: Jim Burke and Water Board Members
Re: WDR Mitigated Negative Declaration

Mr. Burke and Water Board Members:

****please open attached photo for another comment from other species****

Can you explain how the Water Board finds that the Mitigated Negative Declaration is proper for the geological and political circumstances of Elk River? You must be aware that almost ten years ago, Water Board produced a large body of official findings that declared that Elk River was "severely impacted" as a result of timber harvest pollution. The geology has not changed since then and if anything, the vegetative cover has been reduced. Channel infilling has drastically increased. Prior to the 2006 findings, in 1997 five agencies confirmed that "significant adverse cumulative impacts" in Elk River are the result of logging. Perhaps your agency doesn't like its own findings, for certainly you all are ignoring them. That's one way to avoid inconvenient truths.

Given that your agency has a wealth of evidence, including your own official findings, to determine that any logging in upper Elk River will foreseeably result in continued, severe impacts to the human residents, we find that this Neg Dec is heinous and certainly unlawful. How could it ever be proper for government to target an entire community to be injured by activity it has the power to prevent? What kind of man would knowingly subject real humans to this continued terror from logging?

We stakeholders who are most intimately affected by this, as well as are the only ones in the position to experience the reality of this impact, find this action to be tyrannical. This Mitigated Negative Declaration can only have one purpose: to intentionally target human beings to experience pain, harm, damage, physical invasion, occupation of their lands and farms, and to deny those citizens of their constitutional rights.

Water Board has maliciously invested 17 years in coddling the bullying polluter while targeting the innocent residents. Board members have visited our homes and witnessed the devastation that terrorizes our families year after year, yet they advise us to better prepare ourselves to receive this preventable damage. Water Board regards us Elk River residents as collateral damage necessary to satisfy a bully's demands.

After so many years, it's very clear that Water Board specifically intends to shut us up and has selected us to be severely damaged to achieve that goal. You have every mandate to prohibit this savage pollution; therefore, we find no lawful reason to permit it and your agency has never succeeded in providing one.

Water Board behaves more like a private political lobbyist than a public trust agency serving the public. Can you, Jim, explain how harming private citizens in order to please a polluter is patriotic, democratic, American? Can you explain how privileging industry pollution that has confirmedly destroyed human health and property

and will foreseeably continue to do so, is a proper role for a public trust agency? Don't feel bad if you can't answer either of those questions; none of your cohorts could or would answer them either. It must be painful to realize that you are instrumental to destroying salmon, humans, and an entire watershed...but at least you get paid, right?

Both CEQA and our California's Constitution hold that it is improper to knowingly subject human beings to pain, harm, damage, physical invasion, occupation of their lands and farms, or to deny citizens their constitutional rights. Yet the Water Board is doing precisely that, as it has persistently done since last century. The Water Board has stated repeatedly that if they don't give the timber bullies what they want, then timber will file a fat lawsuit. We admonish you and your agency for succumbing to bullies and making decisions based on avoidance of lawsuits rather than on policies which actually protect the public trust and the public. Would you advise your children to succumb to bullies?

Are you familiar with the Forest Practice Act that your Mitigated Declaration tiers off of? The FPA specifically states: "It is not the intent of the Legislature by enactment of this Chapter to take private property for public use without due process and just compensation in violation of the United States and California Constitutions." Presumably, you and your cohorts have studied this act. If so, we find it outrageous and sadistic even that you would proceed with this Negative Declaration given your vast knowledge and understanding of this watershed. Clearly, the Water Board holds an animus against the residents of Elk River. Can you provide any other explanation for such a dereliction of duty ?

We look forward to your responses.

please open attached photo for another comment from other species

Sincerely,

Jesse Noell and

Stephanie Bennett

On Thu, Dec 3, 2015 at 4:46 PM, Burke, James@Waterboards <James.Burke@waterboards.ca.gov> wrote:

California Regional Water Quality Control Board

North Coast Region

Notice of Public Hearing and

Notice of Intent

to

Adopt a Mitigated Negative Declaration

and

Order No. R1-2016-0004

Waste Discharge Requirements and General Water Quality Certification

for

Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC

in the

Upper Elk River Watershed,

Humboldt County

NOTICE IS HEREBY GIVEN that the North Coast Regional Water Quality Control Board (Regional Water Board) will conduct a public hearing to consider adoption of the above-referenced draft Order and Mitigated Negative Declaration on March 10, 2016, at 8:30 a.m., in Humboldt County at the location to be announced in the Regional Water Board's agenda. The purpose of draft Order is to provide a water quality regulatory structure to prevent and/or address discharges of waste and other controllable water quality factors associated with timber harvest activities in the watershed. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the draft Order, or take other action.

Project Description: On September 22, 2015, pursuant to Water Code section 13260(a), Humboldt Redwood Company LLC (HRC) submitted a report of waste discharges (ROWD) for its timber harvesting and related management activities in the Upper Elk River (UER) watershed. The ROWD includes HRC's proposed long-term forest management strategy, including measures designed to prevent or minimize water quality impacts from timber harvesting and associated activities. Regional Water Board staff have developed draft Order No. R1-2016-0004 *Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Factors Related to Timber Harvesting and Associated Activities* (draft Order) that provides for implementation of rigorous best management practices prepared in part with the collaboration and cooperation of HRC, and some that vary according to the sediment loading risk of subwatersheds. The draft Order incorporates and includes the following components:

- Measures to Prevent Sediment Discharge;
 - Forest Management;
 - Riparian Zone Protection;
 - Road Management
 - Landslide Prevention
 - Wet Weather Restrictions

- Temporary Prohibition
- Inventory and Treatment of Existing Controllable Sediment Sources;
- Watershed Restoration Efforts; and
- Monitoring and Reporting Program.

The Initial Study and Mitigated Negative Declaration analyze potential impacts from the proposed Order. Water quality impacts from logging and associated activities are primarily increased sediment production and elevated water temperature. These impacts result from a complex interaction between inherent watershed characteristics, such as geology and geomorphology, external natural processes, such as climate and timing of stochastic events (i.e. large storms, earthquakes, fires), type of management practices, and extent and rate of watershed area disturbed. Increased sediment production is the result of greater incidence of landsliding, surface and gully erosion, and increases in channel erosion due to higher runoff rates. Over time, sediment transported from the upper tributaries has been deposited in low gradient downstream reaches and has resulted in ongoing aggradation, encroachment of riparian vegetation onto relatively recent fine sediment deposits, and an increased incidence of overbank flooding which has impacted the residential community for the past 20 years.

The draft Order includes requirements to prevent new sediment discharge, including forest management (including harvest rate), riparian protection, roads management, landslide prevention, and wet weather prescriptions. The draft Order includes requirements to address existing sources of sediment, including identification, evaluation, and treatment of controllable sediment discharge sites, and a feasibility study to evaluate potential methods to control, trap, or meter sediment from in-stream sources. The draft Order also covers HRC's various types of remediation and restoration projects intended to improve fishery-related beneficial uses and control sediment delivery from in-stream and near-stream sources. Attachment A of the Initial Study provides additional best management practices designed to mitigate potential impacts from stream restoration and remediation.

The Elk River has a long and strained history, and despite numerous efforts to improve conditions, and recent and promising changes in management strategies, the watershed remains severely impaired, specifically the existing beneficial uses in the downstream reach. This draft Order is informed in part by the *Elk River Sediment Technical Analysis* for the Upper Elk River (Tetrattech Report), attached to the Order as Attachment B. The Regional Water Board is accepting substantive comments on that document as well. The Tetrattech Report was developed to provide the technical provisions to support the adoption of a Total Maximum Daily Load (TMDL) for the Elk River. Regional Water Board action on the TMDL will be subject to subsequent public notice. The draft Order is a primary implementation component of the TMDL, but other implementation actions are also underway. HRC is partnering with the Regional Water Board, NGOs, and other agencies to address chronic downstream health and safety concerns relative to water quality, domestic water supply, and winter storm flooding through the Elk River Watershed Stewardship process. These implementation efforts are outside the scope of the draft Order. Restoration and remediation efforts in the Upper Elk River as well as the downstream impacted reach, combined with the additional layer of environmental protection provided by the Order are expected to ensure that

existing cumulative water quality impacts are abated over time, and beneficial uses are ultimately restored and protected.

Draft Order, Initial Study, and Tetrtech Report Available for Review and Comment

Comments must be submitted by January 18, 2016 at northcoast@waterboards.ca.gov, or at the following address:

North Coast Regional Water Quality Control Board

5550 Skylane Boulevard, Suite A

Santa Rosa, CA 95403

Document Availability

Information on the Regional Water Board's draft Order and Mitigated Negative Declaration can be found at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/timber_operations/elk_river_wdrs/ or may be viewed during public hours in person at the Regional Water Board's office listed above.

Persons wishing to receive additional notices related to the draft Order and Mitigated Negative Declaration must subscribe to the respective email list, under Resources, Email Subscription on the left side of the Regional Water Board's main web page at <http://www.waterboards.ca.gov/northcoast>.

Public Hearing Procedures

The procedures governing North Coast Water Board meetings may be found at California Code of Regulations, title 23, section 647 et seq. and are available upon request. The Discharger and interested persons must submit to the Regional Water Board office written copies of all legal argument, technical reports, testimony, and other evidentiary material concerning this issue by the deadline listed above.

Written material received after January 18, 2016 will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Dischargers or the Regional Water Board staff. The

Chair may choose to modify this rule upon a showing of severe hardship (Cal. Code Regs., tit. 23, §§ 648.1 & 648.4).

During the pendency of this proceeding, there shall be no ex parte communications between Regional Water Board members and participants. This includes communications on substantive or controversial procedural matters. (Gov. Code, §§ 11430.10-11430.80.)

The time limits for oral testimony or comments at the public hearing will be set by the Regional Water Board Chair and are subject to change. All speakers are expected to honor these time limits. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meeting should contact Patti Corsie at [707-576-2220](tel:707-576-2220) at least five days prior to the scheduled meeting. The meeting location is accessible to persons with disabilities. TTY users may contact the California Relay Service at [800-735-2929](tel:800-735-2929) or voice line at [800-735-2922](tel:800-735-2922).

Staff Contact

Questions regarding the workshop or the draft Order and Mitigated Negative Declaration should be directed to Jim Burke, by phone at [707-576-2289](tel:707-576-2289) or email at James.burke@waterboards.ca.gov. Questions regarding the Tetrtech Report should be directed to Alydda Mangelsdorf, by phone at [707-576-6735](tel:707-576-6735) or email at Alydda.Mangelsdorf@waterboards.ca.gov.